

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, SEPTEMBER 14, 2010 – 7:30 P.M.

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 7:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL.

PRESENT: Mayor Johnson, Council Members Betts, Spencer, Wallace and Wenck.

ABSENT: Clerk-Administrator Hirsch

STAFF: Administrative Assistant Scipioni, City Attorney Vose, Public Works Director Koch, City Engineer Miller.

VISITORS: Fred & Lori Pagenkopf.

4. CONSENT AGENDA.

Approve:

- Council Minutes – August 24, 2010.
- Accounts Payable for September 2010
- Financials ending August 2010
- Lake Minnetonka Communications Commission 2011 Budget
- Large Assembly Permit for an Ultimate Frisbee Golf Tournament to be held September 25 and 26, 2010.
- Change Order Request No. 2, Lindgren Lane Sewer Extension.
- Request to put property located at 2576 Valley Road (PID# 15-118-24 33-0001) and vacant property (PID# 15-118-24 32-0003) in the Agricultural Preserve program, Fred Pagenkopf.
- Request to put vacant property (PID# 30-118-24 22-0002) in the Agricultural Preserve program, Lance Wallin.

Motion by Wenck, second by Betts, to approve the consent agenda with some typographical error corrections to the minutes. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

Johnson added the Public Works Salt Shed and discussion about additional hookups to the sanitary sewer.

Spencer added a discussion of small signs in the City.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

- Spencer: Planning Commission meeting, Budget Work Session.
Wenck: Budget Work Session, Sensible Land Use Committee Conference.
Wallace: Nothing to report.
Betts: Sensible Land Use Committee Conference, Police Commission meeting, Chamber of Commerce meeting, Budget Work Session.
Johnson: National League of Cities Energy Environment and Natural Resources Committee meeting for the League of Minnesota Cities, Budget Work Session, Metro Cities Policy Committee, Police Commission meeting, funeral for Mayor of Burnsville's husband, Northwest League of Cities meeting, Interviewing congressional candidates, Harvest Moon Open House, Community Action Partnership of Suburban Hennepin Finance Committee, Regional Conference of Mayors meeting, Orono School Board meeting.

7. TABLED FROM (AUGUST 24, 2010) – APPROVAL OF THE TWIN CITY POLO CLUB SIGN VARIANCE REQUEST.

Johnson stated this item had a tie vote during August 24 Council meeting.

Vose advised anyone could move to reconsider the motion for the resolution.

Motion by Wallace, second by Johnson, to have the motion reconsidered. Ayes: Johnson, Wallace, Wenck. Nays: Betts, Spencer. MOTION DECLARED CARRIED.

Spencer noted the Planning Commission discussed the sign ordinance at its last meeting. The Polo Club sign being approved by the resolution would not meet the standards being recommended by the Commission.

Motion by Johnson, second by Wenck, to approve Resolution No. 10-0914-01. Ayes: Johnson, Wallace, Wenck. Nays: Betts, Spencer. MOTION DECLARED CARRIED.

8. APPROVAL OF A \$250 CONTRIBUTION TO THE CITY OF MAPLE PLAIN FOR A MOVIE IN THE PARK EVENT THAT WILL INCLUDE OUR RESIDENTS ON SATURDAY, OCTOBER 2 FOLLOWING THE MAPLE PLAIN FIRE DEPARTMENT STEAK FRY.

Johnson noted the movie event will cost Maple Plain about \$2,500.

Vose stated the City cannot give a contribution or gift to another organization. The City could buy services from another City, including the Movie in the Park event. The Council could not literally give a gift to the City of Maple Plain. He explained the high cost of the event could be due to the royalty fees required for public movie showings.

Johnson noted the City pays for recreation activities provided to residents by the school districts. He also expressed a concern about the timing of the event and the weather.

Wenck stated he believes the cost is too high for the event.

Betts stated it seems the event is too late in the year and it could be too cold outside to watch a movie.

Motion by Wenck, second by Spencer, to decline to sponsor the Movie in the Park event in Maple Plain.

Wallace noted the movie nights in Delano have been popular, but were in the summer.

Johnson stated he would support the event, but is concerned about the time of the year it's being held.

Johnson called for a vote. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.

9. CONTINUED DISCUSSION CONCERNING THE JOHN CONLIN SEWER SERVICE ISSUE.

Vose stated Conlin will be required to connect to the new Lindgren Lane sewer extension. Conlin raised a concern about the cost of the connection because he will have to make his connection through a City-owned property. Vose added Conlin might be interested in purchasing the City's property on Lindgren Lane once the mound systems have been removed. Vose researched the Conlin property's title and the City's title and there is not an easement on the City property for Conlin's current driveway. The condemnation process the City went through to acquire the City's property removed any easements. Conlin's property title shows it does have an easement, but because of the condemnation process the City used to acquire its property, the easement no longer exists. The City would be able to grant an easement for access. Adverse possession is not possible because it is a City-owned property. The City will also have to consider an easement for the sewer service running to Conlin's property.

Betts asked if the other property, north of Conlin's property, that is using the driveway across the City's property has an easement.

Vose responded there isn't a claim of an easement by the other property owner and the City would need to decide if it will grant any easements. It is clear there is no claim for use by the property to the north of Conlin's property.

Johnson asked Vose for his opinion about Conlin's request for the City to pay for running sewer pipe to connect to the sewer line on Lindgren Lane.

Vose stated legally there isn't a claim for the City to be compelled to pay for the connection. The City could discuss its options for Conlin's service when it discusses what to do with the lot it owns.

Johnson stated the discussion over what the City will do with its lot is premature. He noted the City should discuss the issue with the original owner of the property before the condemnation.

Vose reiterated the City is not required to pay for Conlin's service.

Betts asked if the property went back to the previous property owner, then would the easement go back into place.

Vose stated the condemnation removed any other interests in the property, including easements. The City could establish an easement and then convey the land subject to that easement.

Johnson expressed a concern about leaving the property to the north of Conlin's property without any road access.

Vose stated the City will need to provide access to Conlin's property and will probably need to provide access across its lot for the property to the north. Vose stated an easement for access purposes would allow a utility line.

Miller stated a new easement would allow for an access and utilities.

Vose noted the City has a policy discouraging private roads, but there are many shared driveways in the City.

Johnson stated the City would need to have a driveway agreement in place for both properties to share the driveway across the City's property.

Motion by Betts, second by Wenck, to direct staff to draft an easement for access and utilities across the City-owned property for Conlin's property and the property to the north and prepare a private road agreement. In addition, the City will require the property owners to pay for their connections to the sanitary sewer line.

Johnson asked how large the driveway should be.

Koch and Vose stated they would look into the private road ordinance to ensure it meets City requirements.

Johnson called for a vote. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.

10. APPROVAL OF THE PRELIMINARY 2011 BUDGET AND LEVY, RESOLUTION NO. 10-0914-02.

Johnson stated the City can reduce what it approves for the preliminary budget, but it cannot increase the preliminary budget amount. The total preliminary levy amount is \$2,379,458 without the Pioneer-Sarah Watershed Commission special taxing district.

Wenck stated staff did a good job in the preliminary budget stage. He requested staff submit at least 10 suggestions for making the City government more efficient and more effective. He asked staff to present significant items at the next budget work session.

Johnson noted the Council relies on staff to prudently apply the budget.

Motion by Wenck, second by Betts, to approve the Resolution No. 10-0914-02. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.

11. OPEN/MISC.

Public Works Department Salt Shed

Koch stated staff believed the City had money for the salt shed, but it cannot use equipment certificate funds for it. The City council could use the General Fund balance for the shed, but not until 2011.

Betts asked how much money the salt shed would save the City.

Koch responded the salt shed would be most beneficial because it would mitigate the environmental impact of using large amounts of a sand/salt mixture on the roads. If the City had a salt shed, it would be able to purchase more effective ice melting products.

Betts asked if there were any grants for this type of project.

Koch stated he does not know of any possible grants for the salt shed.

Johnson expressed disappointment with not having funds available to construct the salt shed in 2010.

Connections to the Sanitary Sewer Extensions

Johnson noted the City has had requests from two residents, Selstad and Merz, to connect to their properties to the sanitary sewer extension.

Spencer stated he spoke with the Minnesota Pollution Control Agency and the Pioneer-Sarah Creek Water Management Commission and they agreed that the properties should be connected. The Met Council stated it might consider the connections. Spencer asked for Council direction in moving forward. He noted additional connections would decrease the assessment amount for each property.

Johnson stated if the Council thinks it is appropriate for the two parcels to connect, then it should direct the City Planner to continue working with Met Council for approval.

Motion by Wallace, second by Spencer, to direct staff to pursue approval from Met Council for additional hookups for property PID No. 13-118-24-23-0001 and 11-118-24-44-0001.

Wenck stated there is a timeline on this project, as the City needs to know the number of connections by Oct. 15 in order to provide notice to the property owners affected by the sanitary sewer project before the Nov. 9 assessment hearing.

Johnson noted if the City does not approve the assessment in 2010, it will cost an additional \$65,000 to carry it into 2011.

Miller stated by the middle of October the City will know what the project cost will be.

Johnson called for a vote. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.

Discussion on Small Signs within the City

Spencer noted the recent discussions about the sign ordinance have created discussions about the large number of signs in the City that are not permitted by its ordinance. He stated he received an email from a

resident concerned about the number of signs. He asked the Council if it is interested in directing staff to collect signs that do not comply with the sign ordinance or having staff contact the businesses with signs and inform them their signs do not meet City Code.

Johnson stated he was also disappointed in the proliferation of signs in the City.

Spencer suggested directing the Code Enforcement Officer to conduct monthly sweeps to remove the illegal signs.

Johnson suggested putting a news release in the paper stating the signs must be removed after the detour or they will be removed. He also expressed a concern about the City's ability to remove signs on County roads.

Betts suggested putting it in the City newsletter in addition to a press release.

Motion by Spencer, second by Betts, to direct staff to issue a press release to the local newspapers regarding the City's sign ordinance. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.

12. ADJOURN.

Motion by Wenck, second by Spencer, to adjourn the City Council meeting at 8:21 p.m. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni, Recording Secretary